



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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In re:

MICHAEL AND ROBIN KALFUS,

Debtors.

Case No. 18-13396 (VFP)

Hon. Vincent F. Papalia, U.S.B.J.

Chapter 7

ORDER DENYING MOTION FOR AN ORDER EXCLUDING SHERIFF'S COMMISSION FROM THE SALE OF THE DEBTORS' REAL PROPERTY AND DIRECTING TRUSTEE TO PAY STATUTORY COMMISSION TO MORRIS COUNTY SHERIFF FROM ESCROWED FUNDS

The relief set forth on the following pages, two (2) through three (3), is hereby **ORDERED**.

DATED: September 10, 2018

A handwritten signature in black ink, appearing to read "Honorable Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

THIS MATTER having been opened to the Court upon the Motion of Michael and Robin Kalfus (the “Debtors”) for an order excluding the statutory commission of The County of Morris, Morris County Sheriff (the “MC Sheriff”), from the sale of the Debtors’ real property (the “Motion”) [Docket No. 40]; and the MC Sheriff having filed an Objection to the Motion (the “Objection”) [Docket No. 62], along with a Certification of Michael Turkot, with exhibits (the “Turkot Cert.”); and the Court having entered an Order on August 1, 2018 converting the Debtors’ bankruptcy case to a Chapter 7 case [Docket No. 76]; and the Office of the United States Trustee having thereafter appointed Steven P. Kartzman (the “Trustee”) as Chapter 7 trustee for the Debtors; and the Trustee having thereafter filed with the Court a letter dated August 31, 2018 (the “Reply”) [Docket No. 97], as well as another letter dated September 4, 2018 the “Supplemental Reply”) [Docket No. 98], in response to the Objection; and the Court having conducted a hearing on the Motion on September 5, 2018, at which time the Court heard and considered the oral arguments of counsel; and the Court having considered the Motion, the Objection, the Turkot Cert., the Reply, the Supplemental Reply and the oral arguments of counsel at the September 5, 2018 hearing; and the Court having also considered the Debtors’ Motion to Sell Property Free and Clear of Liens (the “Sale Motion”) [Docket No. 12], the Objection of Haven Savings Bank to the Sale Motion (the “Sale Motion Objection”) [Docket No. 19] and the Debtors’ March 16, 2018 Response to the Sale Motion Objection [Docket No. 23]; and the Court having determined that the Supplemental Reply was untimely; and the Court having issued an

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Caption of Order: ORDER DENYING MOTION FOR AN ORDER EXCLUDING SHERIFF'S COMMISSION FROM THE SALE OF THE DEBTORS' REAL PROPERTY AND DIRECTING TRUSTEE TO PAY STATUTORY COMMISSION TO MORRIS COUNTY SHERIFF FROM ESCROWED FUNDS
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oral decision on the Motion at the conclusion of the September 5, 2018 hearing; and for good cause shown,

IT IS HEREBY ORDERED that:

1. For all the reasons set forth by the Court on the record at the September 5, 2018 hearing, the Motion is hereby DENIED.
2. The Trustee or the Debtors, whichever is in possession of the escrowed sale proceeds, is hereby directed, within five (5) days of entry of this Order, to pay the sum of \$13,483.99 from the escrowed sale proceeds to the MC Sheriff in full satisfaction of the MC Sheriff's statutory commission under N.J.S.A. 22A:4-8.